

APR 22 2008

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**FACSIMILE COVER SHEET**

<b>TO:</b>	Examiner Oanh L. Duong U. S. Patent & Trademark Office Group Art Unit 2155		
<b>FROM:</b>	Damond E. Vadnais, Reg. No. 52,310		
<b>RE:</b>	U.S. Application No. 10/616,940 Atty. Docket No.: 01807.002322.		
<b>FAX NO.:</b>	(571) 273-8300		
<b>DATE:</b>	April 22, 2008	<b>NO. OF PAGES:</b>	17 <small>(including cover page)</small>
<b>TIME:</b>	7:10 P.M.	<b>SENT BY:</b>	LS

**MESSAGE**


## Attachments:

- 1) Petition under 37 C.F.R. § 1.181 to Withdraw Holding of Abandonment  
Based on Non-receipt of Office Action
- 2) Exhibit A: Copy of Notice of Abandonment
- 3) Exhibit B: Copy of Master Docket Records

## Certificate of Transmission

I hereby certify that this correspondence is being transmitted  
via facsimile to the U.S. Patent and Trademark Office at  
(571) 273-8300, on

April 22, 2008  
Date

  
Signature

Damond E. Vadnais, Reg. No. 52,310  
Name of Attorney for Applicants

**Note:** We are transmitting from a Canon Model FAX-L770  
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01807.002322.

PATENT APPLICATION

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: )  
JEAN-JACQUES MOREAU, et al. ) Examiner: Oanh L. Duong  
Application No.: 10/616,940 ) Group Art Unit: 2155  
Filed: July 11, 2003 )  
For: METHOD OF TRANSLATING A )  
MESSAGE FROM A FIRST )  
MARKUP LANGUAGE INTO A )  
SECOND MARKUP LANGUAGE : April 22, 2008

Mail Stop Petition  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

PETITION UNDER 37 C.F.R. § 1.181  
TO WITHDRAW HOLDING OF ABANDONMENT  
BASED ON NON-RECEIPT OF OFFICE ACTION

Sir:

This is a petition under 37 C.F.R. § 1.181 to withdraw a holding of abandonment in the subject application. While it is believed that no fee is necessary for this petition, should a fee be required, the Director is hereby authorized to charge any such fee to Deposit Account No. 06-1205.

## Certificate of Transmission

I hereby certify that this correspondence is being transmitted via facsimile to the U.S. Patent and Trademark Office at (571) 273-8300, on

April 22, 2008

Date

Signature

Damond E. Vadnais, Reg. No. 52,310  
Name of Attorney for Applicants

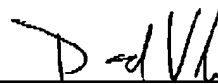
Petitioners have received a Notice of Abandonment dated February 22, 2008 (copy attached as Exhibit A). The Notice indicates that the application became abandoned for failure to file a timely reply to the Office Action dated July 26, 2007. However, this Office Action was never received by Petitioners.

In support of the Petition, the undersigned hereby states that the July 26, 2007 Office Action was not received at the correspondence address of record, and that a search of the Firm's records, including the file jacket and the application contents, indicates that the Office Action was not received. In addition, transmitted herewith is a copy of the Firm's master docket record (attached as Exhibit B). The docket record shows all responses due on October 26, 2007, which is three months from the mail date of the non-received Office Action. According to the docket record, no response was due for Application No. 10/616,940. Portions of the serial numbers listed in the docket record have been redacted to maintain confidentiality; however, the last few numbers of each serial number remain visible and are circled for easy comparison with the subject application number.

Pursuant to the decision in *Delgar v. Schulyer*, 172 U.S.P.Q. 513 (D.D.C. 1971), as modified by MPEP § 711.03(c)(I)(A), Petitioners hereby petition under 37 C.F.R. § 1.181 to revive the subject application and respectfully request a new Office Action be mailed which sets a new period for response that commences from the date on which the new Office Action is mailed.

Petitioners' undersigned attorney may be reached in our Costa Mesa, California office by telephone at (714) 540-8700. All correspondence should be directed to our address given below.

Respectfully submitted,



Damond E. Vadnais  
Attorney for Petitioners  
Registration No. 52,310

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3800  
Facsimile: (212) 218-2200

FCHS\_WS 2113890V1

# Exhibit A



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
 www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,940	07/11/2003	Jean-Jacques Moreau	01807.002322.	3021

5514 7590 02/22/2008  
 FITZPATRICK CELLA HARPER & SCINTO  
 30 ROCKEFELLER PLAZA  
 NEW YORK, NY 10112

EXAMINER

DUONG, OANH L

ART UNIT	PAPER NUMBER
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2155

MAIL DATE	DELIVERY MODE
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02/22/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

01807. 002322.  
 GSW

Erroneous notice  
 of abandonment

MAR - 4 2008

<b>Notice of Abandonment</b>	Application No.	Applicant(s)	
	10/616,940	MOREAU ET AL.	
	Examiner	Art Unit	
	Oanh Duong	2155	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

This application is abandoned in view of:

1. ☒ Applicant's failure to timely file a proper reply to the Office letter mailed on 26 July 2007.
  - (a) ☐ A reply was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply (including a total extension of time of \_\_\_\_\_ month(s)) which expired on \_\_\_\_\_.
  - (b) ☐ A proposed reply was received on \_\_\_\_\_, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection.  
(A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
  - (c) ☐ A reply was received on \_\_\_\_\_ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
  - (d) ☒ No reply has been received.
2. ☐ Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
  - (a) ☐ The issue fee and publication fee, if applicable, was received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
  - (b) ☐ The submitted fee of \$ \_\_\_\_\_ is insufficient. A balance of \$ \_\_\_\_\_ is due.  
The issue fee required by 37 CFR 1.18 is \$ \_\_\_\_\_. The publication fee, if required by 37 CFR 1.18(d), is \$ \_\_\_\_\_.
  - (c) ☐ The issue fee and publication fee, if applicable, has not been received.
3. ☐ Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
  - (a) ☐ Proposed corrected drawings were received on \_\_\_\_\_ (with a Certificate of Mailing or Transmission dated \_\_\_\_\_), which is after the expiration of the period for reply.
  - (b) ☐ No corrected drawings have been received.
4. ☐ The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. ☐ The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. ☐ The decision by the Board of Patent Appeals and Interference rendered on \_\_\_\_\_ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. ☐ The reason(s) below:

/Oanh Duong/  
Primary Examiner

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office  
PTOL-1432 (Rev. 04-01)

Notice of Abandonment

Part of Paper No. 20080219

# Exhibit B



## MASTER DOCKET -

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Print : 10/11/2007 11:59:11

Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	09292-101070	Bershtadsky, Jonathan	3 month Office Action initial deadline	461
Remarks	Pended - Ex. 1A 11/26/02 v 3M 10/26/02.			
10/26/2007	00169-139193	Cire, Frank L.	1 month restriction initial deadline	461
Remarks	ids received with application; IPT 082206 - DRAWINGS; IPT 091106/Courier 091306 - final dwgs;			
10/26/2007	00862-021808.2	DeLucia, Frank A.	FINAL 3 month Office Action initial deadline	497
Remarks	amend a/f filed 092607; suppl amend filed 100307;			
10/26/2007	02495-000025	DeLucia, Frank A.	Client's filing deadline	496
Remarks	(Seth Boeshore)			
10/26/2007	02608-002700	DeLucia, Frank A.	FINAL 3 month Office Action initial deadline	280
Remarks	(with LFS); Exhibit 110205 - assent of assignee, declaration; (LFS/MP/FAD) (remind FAD + MP);			
10/26/2007	03500-101276	DeLucia, Frank A.	3 month Office Action + month extension	497
Remarks	Floppy recd w/appln			
10/26/2007	03495-000054	Diferna, Raymond	Client's filing deadline	497
Remarks	Clti email 062507 - no foreign filing;			

## MASTER DOCKET -

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	03300.012124.36	DiPerna, Raymond	Issue fees due	825
Remarks (COPY FAD ON ANY CORRESPONDENCE) REI APPLN OF USP 6028963 ISSUED 022200; FDX 010903 - STMT ASGNEE; 1ST RCE SENT COM 101504; IPT 080307 - PAY FEE;				
NI- 88- To 11.26.07				
10/26/2007	03500.109326.1	DiPerna, Raymond	3 month Office Action 1 month extension	864
Remarks IPT 072607/091807 - inquiry: OA;				
Reminded				
10/26/2007	01039.009900.PV	Fischer, Robert H.	Provide Potential Deadline - 9 Month Reminde	550
Remarks Reminded - nothing to be done in MTC/EJ10126				
10/26/2007	03560.002971.	Guzmezak, Michael J.	Statement Interview Due	291
NI- 88- To 11.26.07				
10/26/2007	00604.519215.	Heckenberg, Jr., Donald H.	3 month Office Action initial deadline	706
Remarks file with 14 related applications; IPT 120705 - Letter re: OFR;				
10/26/2007	03292.101790.	Heckenberg, Jr., Donald H.	FINAL 3 month Office Action initial deadline	310
NI- 88- To 11.26.07				
10/26/2007	02213.000300.1	Holmes, Elizabeth F.	Issue Publication Fees due	29
Remarks 1.53B DIV - PAR TO ISSUE; (COPY RLB/LAB); FX 091203 - NO FURTHER IDS; FAX 031506 - Letter re: Name change; Tcopy 122906 - re: name change; 2nd Assignee Merger / Astellas Pharma Inc.; PTA=360;				

## MASTER DOCKET -

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	03760.046200	<i>David by CPI 4/26/07</i> Polowacz, Elizabeth F.	Renewal Grace Period	635
Remarks	<i>Extra 11/12/07 in GMS/TAM 10/26/07</i>			
10/26/2007	00684.0031132	Jacobs, Gary M.	3 month Office Action initial deadline	394
Remarks	FILE DIV 3 (JUSC) PER 091807 CANON LIST;			
10/26/2007	00684.108531.1	Jacobs, Gary M.	Appeal - 1 month extension	657
Remarks	IPT 101606 - IDS; IPT 101706 - Letter re: IDS;			
10/26/2007	00684.119545	Jacobs, Gary M.	1 month restriction initial deadline	562
Remarks	IPT 030707 - IDS; FAX/IPT 030907 - Copy of JP OA;			
10/26/2007	03500.102235	Klock, Brian L.	3 month Office Action initial deadline	366
Remarks	FEDX 071404 - FLOPPY;			
10/26/2007	03560.002996	Kmett, Edward A.	Drawings Correction Due	931
Remarks	1ST RCE FILED 072204;			
10/26/2007	03560.002996	Kmett, Edward A.	FINAL: 3 month Office Action initial deadline	931
Remarks	1ST RCE FILED 072204;			
10/26/2007	03560.028284	Malpede, Scott D.	Issue/Publication Fees due	605
Remarks	FLOPPY RCD W/APLN; FAX 021405 - INSTR TLPHN R/E; FAX 011906 - Letter re: IDS; PTA=80;			

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	00366.000093.	Wdt pcy123 m. elat fax 10/26/07.	Renewal Grace Period	317
Remarks	#3624:			
	FAX 052307: Inquiry re: Cost re: M-Fees;			
	per by EFS v CPD 10/23/07.			
10/26/2007	00366.000148	Manning, Christian	Response to informality extensions-init docd	64
Remarks	(MPS) LET 011602-RE: DEBIT; TPCY 052102 - RE: INVENTOR.			
10/26/2007	03560.003429.	McCarney, Ann M.	3 month Office Action initial deadline	165
Remarks				
10/26/2007	03426.000410.PV	Mee, Brendan S.	Provide Potential Deadline - 6 Month Reminde	706
Remarks				
10/26/2007	02047.00030A	Okun, Jason M.	Renewal Grace Period	562
Remarks	(NO DWGS) 1ST CPA FILED 022599;			
10/26/2007	03500.016384.	Okun, Jason M.	month restriction initial deadline	879
Remarks	NATL PHASE OF PCT/JP02/06514 OF 062702; ##GIVE CORR OF TO JMO##; IPT 020906 - lds; IPT 100907 - REQ FOR RE-UPLOAD;			
10/26/2007	03190.000014.	Oliver, Justin I.	Advisory/Appeal Brief due with 1 month Extension	61
Remarks				
10/26/2007	02666.001412	O'Neill, Michael K.	Application convention deadline	notify SF
Remarks				

# MASTER DOCKET - [REDACTED]

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	03191100100	ONEILL, Michael K.	FINAL 3-month Office Action initial deadline	902
Remarks	(JOINT ASSIGNEES); \$40 FEE RETURNED FOR RESP REV/ASSIGN OF 010405;			
10/26/2007	03630.000282.1	ONEILL, Michael K.	FINAL 3-month Office Action initial deadline	902
Remarks	IPT 042307 - INSTR & Prepare & Send Terminal Disclaimer;			
10/26/2007	00005.001243	Perry, Lawrence S.	3 month Office Action 1 month extension	980
Remarks	NATL PHASE OF PCT/IP03/02372 OF 022803;			
10/26/2007	00005.001297	Perry, Lawrence S.	Priority documents still required	633
Remarks	ilepy 090706 - ref, DHL 092206 refs;			
10/26/2007	00005.001298	Perry, Lawrence S.	Priority documents still required	234
Remarks	Tlepy 080206/082106 - prelim amend & ids; CLILET 091106 - TRANSL IPER;			
10/26/2007	00005.001316	Perry, Lawrence S.	Power of attorney due to be filed	554
Remarks	N5-EXC to 11-26-07			
10/26/2007	00005.001319	Perry, Lawrence S.	3 month Office Action 1 month extension	211
Remarks	N5-EXC to 11-26-07			
10/26/2007	01997.060000	Pierodi, Joseph P	Notice to File Missing Parts - 1 month extension	940
Remarks	(Joint Assignee) Clilet 072507 - decl/assign;			

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Print : 10/11/2007 11:59:1	Docket Number	Attorney	Action	Application No
Due Date				
10/26/2007	01396.002050.	<del>Saxo</del> <u>Razzano</u>	Application convention deadline	
Remarks		Razzano, Pasquale A.		
		<u>See below</u>		
10/26/2007	01396.002050.	Razzano, Pasquale A.	Convention Deadline	
Remarks				
		<u>New Prov. Appn. Clad (32)</u>	<u>Wed 10.24.07 @ 2:10 PM</u>	
10/26/2007	01396.002050.PV	Razzano, Pasquale A.	Foreign filing convention deadline	(91)
Remarks				
		<u>Amend P/E by Saxo 10/26/07</u>		
10/26/2007	03500.017665	Saxon, Peter	FINAL 3 month Office Action initial deadline	(89)
Remarks		NAIL PHASE OF PCT/JP03/12978 OF 100903; IPT 100507 - instr;		
		<u>Reminded - Ex. 1. to 11/26/07</u>	<u>PS and 10/26/07 10/26/07</u>	
10/26/2007	03500.017803	Saxon, Peter	3-month Office Action initial deadline	(62)
Remarks		Floppy recd w/appin; Fax 100405 - Correct applicants address; IPT 041706 - inquiry; IPT 042706 - File Petition to Revive;		
		<u>Reminded - Ex. 1. to 11/26/07</u>	<u>PS and 10/26/07</u>	
10/26/2007	03500.104727	Saxon, Peter	IDS Due + 1 Month	(29)
Remarks				
		<u>Reminded - Ex. 1. to 11/26/07</u>	<u>PS and 10/26/07</u>	
10/26/2007	03500.123334	Saxon, Peter	IDS Due + 1 Month	(09)
Remarks		decl w/sur due; IPT 092506 - DECL/ASSIGN; FEDEX 102406 - prior doc		
		<u>Client will NOT pay for Dan S. Scambia, Diego</u>	<u>10.26.07</u>	
10/26/2007	01905.000003		Renewal Grace Period	(25)
Remarks		#3625; (D.SCAMBIA)		

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	03500.047940	Stahl, Lawrence A.	Appeal - 1 month extension	820
Remarks	(JOINT ASSIGNEE) FLOPPY RCD W/APPLN; (Prev docket number: 03500.017940.); 1.53b div filed 061506; IPT 092707 - File Suppl Amend.;			
10/26/2007	00862.023372	Tchakerian, Shant	3 month Office Action initial deadline	262
Remarks	FLOPPY RCD W/APPLN; IPT 100107 - File IDS;			
10/26/2007	03500.125528	Vadnais, Diamond E.	3-month Office Action initial deadline	864
Remarks	FEDEX 121906 - prior doc;			
10/26/2007	00684.110546.1	Wannisky, William M.	3 month Office Action initial deadline	584
Remarks	IPT 042307 - Request to reupload;			
10/26/2007	03500.518855	Wannisky, William M.	3 month Office Action 1 month extension	515
Remarks	FLOPPY RECD W/APPLN; IPT 092607 - INSTR;			
10/26/2007	03500.520126.1	Wannisky, William M.	3 month Office Action initial deadline	559
Remarks	IPT 042407 - New Claims; IPT 080307 - Request to Reupload; IPT 101007 - INSTR;			
10/26/2007	03560.148223	Wannisky, William M.	Convention Deadline - 2 Week Reminder	
Remarks				
10/26/2007	01430.014300	Warner, Steven E.	Foreign filing convention deadline	590
Remarks				

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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	01363.00963	W. Gregory S.	3 month Office Action + month extension	755
Remarks	(CRP2607/2609) FLOPPY RCD W/APLN; FX 110804 - RQ CO/OF; IPT 092507 - INSTR;			
10/26/2007	03560.003037.1	Weaver, Gregory S.	3 month Office Action + month extension	181
Remarks	1.53b div filed; IPT 091407 - INSTR;			
10/26/2007	03560.003087	Weaver, Gregory S.	3 month Office Action initial deadline	108
Remarks	Amended by EFD in 10/26/07			
10/26/2007	01272.109748	Williamson, Mark A.	3 month Office Action initial deadline	191
Remarks	flop rcd w/apln; IPT 092107 - INSTR;			
10/26/2007	01306.000099	Williamson, Mark A.	FINAL-3 month Office Action initial deadline	525
Remarks	Amended by EFD in 10/26/07			
10/26/2007	03560.017534	Williamson, Mark A.	Drawings Correction Due	130
Remarks	NATL PHASE OF PCT/IP03/11297 FILED 090403; FLOPPY RCD W/APLN;			
10/26/2007	03500.017534	Williamson, Mark A.	3 month Office Action initial deadline	130
Remarks	NATL PHASE OF PCT/IP03/11297 FILED 090403; FLOPPY RCD W/APLN;			
10/26/2007	03292.102100	Yu-Jahnes, Lock See	3 month Office Action initial deadline	018
Remarks	Amended by EFD in 10/26/07			



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Due Date	Docket Number	Attorney	Action	Application No
10/26/2007	03292.102100.	<i>ok on 30-06-07</i> Yu-Jahnes, Look See	Drawings Correction Due	<del>018</del>
10/26/2007	03775.000100.	Yu-Jahnes, Look See	Provide Potential-Deadline - 6 Month-Remind	
10/26/2007	02940.125749.	<i>held by us in</i> Zupcic, Anthony M.	<i>exp 10/28/07</i> Application-conviction-Deadline	
10/26/2007	03503.001605.	Zupcic, Anthony M.	Expiry date	<del>930</del>
10/26/2007	03503.001608.	Zupcic, Anthony M.	Expiry date	<del>959</del>
10/26/2007	03503.001612.	Zupcic, Anthony M.	Expiry date	<del>973</del>
10/26/2007	03503.001616.	Zupcic, Anthony M.	Expiry date	<del>906</del>